



**MINUTES  
SCOTTSDALE PLANNING COMMISSION  
KIVA – CITY HALL  
3939 N. DRINKWATER BOULEVARD  
MAY 28, 2003**

**PRESENT:** David Gulino, Chairman  
David Barnett, Commissioner  
James Heitel, Commissioner  
Eric Hess, Commissioner  
Tony Nelssen, Commissioner

**ABSENT:** Steve Steinberg, Vice Chairman  
Jeffery Schwartz, Commissioner

**STAFF:** Pat Boomsma  
Pete Deeley  
Kurt Jones  
Cheryl Sumners  
Kira Wauwie

**CALL TO ORDER**

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:00 p.m.

**ROLL CALL**

A formal roll call confirmed members present as stated above.

**OPENING STATEMENT**

**COMMISSIONER HEITEL** read the opening statement, which describes the role of the Planning Commission and the procedures used in conducting this meeting.

**MINUTES APPROVAL**

**APPROVED**

April 8, 2003 Amended

May 14, 2003

**COMMISSIONER HEITEL MADE A MOTION TO APPROVE THE APRIL 8, 2003 AMENDED MINUTES AND THE MAY 14, 2003 MINUTES AS PRESENTED. SECOND BY COMMISSIONER HESS.**

**THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).**

### **CONTINUANCES**

5-ZN-2003 (Downtown Overlay) request by the City of Scottsdale, applicant, to apply the Downtown overlay (DO) zoning to 750 +/- acres know as the Downtown area and generally bounded by Chaparral Road on the north, Miller Road on the east, Earll Drive on the south and 68<sup>th</sup> Street on the west. **Continued to June 11, 2003.**

**MR. JONES** stated regarding case 5-AB-2003 the applicant has requested a continuance to the June 25, 2003 meeting. He further stated regarding case 52-ZN-1997#2 the applicant has requested a continuance to the June 25, 2003 meeting because they have some issues with the stipulations they would like to work out.

**CHAIRMAN GULINO** stated he has a card from Leon Spiro on case 5-AB-2003. He inquired if Mr. Spiro could come back on June 25, 2003. Mr. Spiro stated he would like to speak this evening on the case because he may not be able to attend the June 25<sup>th</sup> meeting.

**COMMISSIONER HEITEL MOVED TO CONTINUE CASE 5-ZN-2003 TO THE JUNE 11, 2003 PLANNING COMMISSION MEETING. HE ALSO MOVED TO CONTINUE CASES 5-AB-2003 AND 52-ZN-1997#2 TO THE JUNE 25, 2003 PLANNING COMMISSION MEETING. SECOND BY COMMISSIONER BARNETT.**

**THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).**

### **INITIATION**

9-UP-2003 (Old Town Parking Garage) request by City of Scottsdale, applicant/owner, to initiate a municipal use master site plan for a parking garage on a 2.45 +/- acre parcel located at 7335 E Main Street with Central Business (C-2) and Highway Commercial (C-3) District zoning.

**MS. WAUWIE** stated this is a request to initiate a municipal use master site plan for a parking garage on a 2.5 +/- acre parcel located at 7335 E. Main Street with Central Business (C-2) zoning. Staff recommends the initiation of the Civic Center site.

**COMMISSIONER HEITEL MOVED TO INITIATE A MUNICIPAL USE MASTER SITE PLAN FOR A PARKING GARAGE ON A 2.5 +/- ACRE PARCEL LOCATED AT 7335 E. MAIN STREET WITH CENTRAL BUSINESS (C-2) ZONING. SECOND BY COMMISSIONER HESS.**

**CHAIRMAN GULINO** stated he has a citizen comment card from Darlene Peterson so they will hold the vote until after Ms. Petersen has had a chance to speak.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

**DARLENE PETERSEN**, 7327 E. Wilshire Drive, stated she attended the open house and there is definitely a need for parking in this area and she is not against parking. However, the area between Bischoff's and the Little Red School House cannot be a parking garage. She further stated there were discussions about the alley and that alley has to be there for fire trucks. The beer and delivery trucks go in there and come out in this area so there can't be a parking garage there either. She cautioned them to be very careful with what they plan because they may be in more trouble than what they are in now. She reported they cannot get rid of the alley and that was discussion at the open house.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

**CHAIRMAN GULINO** reminded Ms. Petersen this is a request for the initiation of a master site plan and they are not discussing specific details this evening. He inquired if staff could respond to any of Ms. Petersen's concerns. Mr. Jones stated the request on the agenda is for an initiation so they cannot go outside of what is listed on the agenda. Chairman Gulino stated on June 11<sup>th</sup> the Commission will be hearing case 9-UP-2003 and at that time, they can address Ms. Petersen's comments.

**CHAIRMAN GULINO** called for the vote on the motion.

**THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).**

**CHAIRMAN GULINO** reported cases 3-AB-2003 and 4-AB-2003 have been pulled to the regular agenda.

### **EXPEDITED AGENDA**

3-AB-2003 (12148 E Mountain View Rd) request by Tina Price/Bruce Haseley, applicant/owner, to abandon a portion of 121st Place right-of-way and a Government Land Office (GLO) roadway easement north of Mountain View Road and west of 121st Place.

(PULLED TO REGULAR AGENDA.)

4-AB-2003 (Chalfin Residence) request by Sallie & Bradley Chalfin, applicant/owner, to abandon the west 33 feet and the north 8 feet of the south 33 feet General Land Office patent roadway and public utility easements for parcel 217-32-037C located east of 125th Street, north of Gold Dust Avenue.

(PULLED TO REGULAR AGENDA.)

5-AB-2003 (Ayoub Residence) request by Jesse McDonald, applicant, Jerry and Claudia Ayoub, owner, to abandon a portion of Mountain View Road alignment located on the north side of Mountain View Road and west of 116th Street. **Continued to June 25, 2003.**

76-ZN-1985#4 (Portales Stipulation #3) request by Anchor Forum Portales, applicant, Anchor National Life Insurance Company, owner, to delete stipulation #3 of Case 76-Z-85 on a 39.77 +/- acre parcel located at 4800 N Scottsdale Road with Downtown/Regional Commercial Office Type 2, Planned Block Development (D/RCO-2, PBD).

**MS. WAUWIE** presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

**COMMISSIONER NELSEN** inquired why that stipulation was originally put in the agreement. Ms. Wauwie stated it is her understanding that in 1985, there was a great interest on the part of the City to have a hotel development in the downtown area and that stipulation was put in to encourage that.

**COMMISSIONER HEITEL MOVED TO FORWARD CASE 76-ZN-1985#4 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER HESS.**

**THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).**

52-ZN-1997#2 (Osborn Commons) request by Scottsdale Osborn Holding Corporation, applicant, Dee Ann Skipton, owner, for a site plan amendment to 52-ZN-1997 on a 1.7 +/- acre parcel located at the northwest corner of Osborn Road and Bishop Lane with Downtown/Office Commercial Type 2 (D/OC-2) zoning. **Continued to June 25, 2003**

1-GP-2003 (Mirage Trail) request by Mirage Trail LLC, applicant/owner, for a General Plan amendment from Commercial to Urban Neighborhood on a 5.1 +/- acre parcel located at the southeast corner of Legend Trail Parkway and N Desert Ridge Drive.

43-ZN-1990#2 (Mirage Trail) request by Mirage Trail LLC, applicant/owner, to rezone from Central Business District, Environmentally Sensitive Lands, Hillside District (C-2, ESL, HD) to Medium-Density Residential, Environmentally Sensitive Lands (R-3, ESL) on a 5.1 +/- acre parcel located at the southeast corner of Legends Trails Parkway and N Desert Ridge Drive.

**MS. WAUWIE** presented cases 1-GP-2003 & 43-ZN-1990#2 as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

**TIM MONTGOMERY**, 34894 N. 92<sup>nd</sup> Place, spoke in favor of the request. He stated he is a Board member for the Legend Trail community. He further stated since Mirage purchased this property they have worked very closely with the affected homeowners and the homeowner controlled Board of Directors. He remarked they are totally

supportive of this change in the reduction of density from 60 units down to 36 for sale private ownership condos. He thanked Mirage for being partner oriented in terms of setbacks, heights, landscaping, and other issues.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

**COMMISSIONER NELSEN** stated he appreciates the coordinated effort of working with all of the residents. This does seem to be an improvement.

**COMMISSIONER NELSEN MOVED TO FORWARD CASES 1-GP-2003 & 43-ZN-1990#2 TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL SUBJECT TO THE ATTACHED STIPULATIONS AND FOLLOWING NOTE TO THE DR BOARD:**

- **THE DR BOARD SHOULD LOOK VERY CLOSELY TO SEE IF THEY COULD MITIGATE ANY SUPERFLUOUS HEIGHT.**
- **PAY CLOSE ATTENTION TO THE DESIGN AND CHARACTER OF THE BUILDINGS.**

**SECOND BY COMMISSIONER HEITEL.**

**THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).**

### **REGULAR AGENDA**

3-AB-2003 (12148 E Mountain View Rd) request by Tina Price/Bruce Haseley, applicant/owner, to abandon a portion of 121st Place right-of-way and a Government Land Office (GLO) roadway easement north of Mountain View Road and west of 121st Place.

**MS. SUMNERS** presented this case as per the project coordination packet. Staff recommends approval, subject to two stipulations:

1. Dedicate a 15-foot public trail easement along Mountain View Road.
2. Reserve a water and sewer line easement over, under, and across the east 20 feet of the subject 50 feet 121<sup>st</sup> Place right-of-way.

**COMMISSIONER NELSEN** inquired if the adjacent properties on either side east or west have abandoned those easements. Ms. Sumners replied she is not aware if those have been abandoned. She stated she has not researched the titles on those properties. Commissioner Nelsen stated the reason he asked is because these abandonments seem to go like dominos somebody in the neighborhood gets one and they seem to go on and on. He inquired how those structures got built in the GLO easement. Ms. Sumners stated she was not sure those buildings have been out there a long time. She request that the applicant address that question.

**APPROVED**

**MS. PRICE**, applicant, stated she does not know how long the building has been out there. They have owned the property for two years and they were there before they moved in.

**COMMISSIONER HEITEL** inquired if they have consent files from the five adjacent property owners to the west for abandonment of this portion. Ms. Sumners stated the property owner approached the immediate parcel to the west and each parcel to the east and the subdivision HOA to the north and obtained support and approval from all of those properties. They did not go to the three further to the east.

**COMMISSIONER NELSEN** stated his concern is that they have an option, if the city has not abandoned their interest i.e. the public interest in adjoining GLO patent easements that could present an opportunity for people to use that easement as a neighborhood trail. He further stated as it is they have their trail in a straight line adjacent to automobile traffic. He remarked those easements are for the benefit of other patentees in the community and we have not heard from those people.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

**NORWOOD SISSON**, 7431 E. Portland, stated he would like to read an email from John Aleo into the record:

“General Land Office (GLO) patent for roadway and public utility easement for subject parcel was created under federal law. There are no provisions in the federal law to abandon patent easements. The beneficial interest held by the “affected parties” in a patent easement is a private access and property right passed on through the deed. To block, impede, or interfere with a GLO patent easement is a violation of those rights and creates a material defect to the title. A standard lender’s title insurance policy doesn’t cover the ramifications created by the material defect. To issue a building permit to allow the erection of a permanent structure onto said patent easement is a violation of the federal law.

The “affected parties” are all those patentees and /or subsequent owners who own property in that GLO subdivided area, and all present, past, and future utility companies.

The city’s policy to abandon “their interest’ in any GLO patent easement doesn’t not give cause to assemble, re-plat, or rezone these GLO areas, nor justify the issuance of building permits to erect permanent structures onto said patent easements.

May the owner of subject property, utility companies, and all “affected parties” take heed to action that the city may take regarding subject GLO patent easement. “

**LEON SPIRO**, 7814 E. Oberlin Way, stated he would like to go on record as disapproving only of the 33 foot GLO patent roadway easement abandonment request. He further stated he has no objection of the 50-foot roadway easement going north. He presented information on case law as it relates to this issue. He also presented

information on federal law as it relates to this issue. He discussed the land issues and legal issues that relate to this issue. He inquired of staff when and by whom decided where the GLO patent roadway easements were on this GLO five-acre parcel and where they abandoned. He asked a series of questions regarding the structures that have been built on the easements in this area. He discussed the problems that result from buildings being built on the easements.

Mr. Spiro discussed the departmental check list for this case noting it has a disclaimer from the City Attorneys office that reads: The City Attorney's office in abandoning this GLO easement, the city is abandoning the public access rights, in accordance with the cases, which permit the governing body of the local government to make those decisions. The City's abandonment of a GLO easement does not include any determination of private rights, nor does the City's action release any private rights if they are later found to exist. Similar to other private easement rights, those are matters between private property owners". He stated they should make a motion to have this disclaimer statement added to the resolution that will be the recorded document for your approval of this abandonment.

**LILLIAN NEWMAN**, 12130 E. Mountain View Road, stated she lives next door to this property to the west. She further stated she does not know why there should be a problem as far as the city abandoning it. She remarked she cannot understand the purpose of why the city has an easement on it. She stated they do not know why they would have such a small area dedicated for a horse trail.

**MS. SUMNERS** stated the public trail in this vicinity is according to the draft master trails plan that shows a trail public trail along the north side of Mountain View Road. She stated as requests come to staff for abandonments they evaluate all of the circulation needs and one of the circulation needs is for trails. For this particular request, they are recommending approval subject to a 15-foot public trail easement along Mountain View Road.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

**COMMISSIONER BARNETT** inquired why they are going about doing these on an individual property basis. This seems more like a large case zoning issue rather than going and having each one of these individual property owners come in over the next period of years and going piece by piece by piece. Ms. Sumners replied what staff is doing at this point as applications come to them they are encouraging people to approach their neighbors and try and coordinate these issues. The feedback they have received from people is that it is hard as the number grows to gather all the documentation and get support. Sometimes the actual owners are out-of-state and trying to get all of that together is sometimes rather difficult so often times they move forward on their own.

**COMMISSIONER HEITEL** stated with regard to the trails issue he would like to congratulate staff for continuing to be diligent in locating and noticing trails in regards to the master trails plan. Homeowners who live in areas where trails are dedicated and contemplated by master trails plan are extremely important especially to equestrian

users and is very important for the preservation of those issues and to continue to take these trail opportunities.

Commissioner Heitel stated he has no problem with the 50-foot abandonment. He further stated he is disturbed in seeing construction occur in the middle of an easement and after the fact coming back to us and asking them to clear up the problem.

**COMMISSIONER HEITEL MOVED TO FORWARD CASE 3-AB-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL, SUBJECT TO TWO STIPULATIONS:**

- 1) **DEDICATE A 15-FOOT PUBLIC TRAIL EASEMENT ALONG MOUNTAIN VIEW ROAD.**
- 2) **RESERVE A WATER AND SEWER LINE EASEMENT OVER, UNDER, AND ACROSS THE EAST 20 FEET OF THE SUBJECT 50 FEET 121<sup>ST</sup> PLACE RIGHT-OF-WAY.**

**SECOND BY COMMISSIONER HESS.**

**THE MOTION PASSED BY A VOTE OF THREE (3) TO TWO (2) WITH COMMISSIONER BARNETT AND COMMISSIONER NELSEN DISSENTING.**

4-AB-2003 (Chalfin Residence) request by Sallie & Bradley Chalfin, applicant/owner, to abandon the west 33 feet and the north 8 feet of the south 33 feet General Land Office patent roadway and public utility easements for parcel 217-32-037C located east of 125th Street, north of Gold Dust Avenue.

**MR. DEELEY** presented this case as per the project coordination packet. Staff recommends approval; subject to the reservation of an 8 feet trail easement over the subject north 8 feet GLO roadway easement.

**COMMISSIONER HEITEL** inquired why they are only asking for an 8 feet trail easement when those are typically 15 feet. Mr. Deeley stated the difference on the trail on Mountain View and the trail on Gold dust is that the trail on Mountain View is a secondary trail. Based on the new master plan and where this is a neighborhood trail under those criteria 8 feet would provide enough for our trail location. Commissioner Heitel stated they have had some discussion in that whole trail issues that these little narrow strips of five and eight feet was not sufficient for equestrian uses. He inquired where did the eight feet come from. Mr. Deeley stated the eight feet is just covering the area that was requested for abandonment under the GLO so rather than abandoning the GLO they requested that we reserve whatever portion of GLO along Gold Dust Avenue alignment be reserved for local trail.

**COMMISSIONER BARNETT** stated on the last one they were looking for an easement at the front of the property for a trail and now we are looking for an abandonment in the same position. He inquired if there is suppose to be a trail in front of this property. Mr. Deeley replied in the affirmative. In this case, they are just talking about reserving the eight feet that is being requested to be abandoned and changing it from GLO roadway



and public utility easement to a public trail easement so they would still have all the rights they do for that public trail.

**COMMISSIONER NELSEN** stated this is exactly why we shouldn't be abandoning these easements. If this was a utility company needing a right-of-way in a 33 foot GLO patent easement they would take it and put it where they want it. Trails become second class considerations. Why do they have a straight trail within a eight foot easement when they could have 33 foot where they could meander that trail. Mr. Deeley stated they have not lost the 33 feet. In other words the 25 feet of 33 feet is public right-of-way and the rest of the eight feet is being reserved for a public trail so they have not lost any of the 33 feet. Commissioner Nelsen stated Mr. Deeley is right in terms of space but in terms of quality of experience that is where the issue comes.

Commissioner Nelsen stated going back to the previous case, where there are GLO easements the people in that community has a right to ride, walk, or whatever they want to do over those GLO easements. The city does not need to get in there and say it is a trail. They are losing so many opportunities 33 feet by 150 feet or 33 feet by 330 feet or whatever it happens to be like they just did. If that goes through the City Council they have just lost all of the GLO patent access there because those people will be able to build and impede ingress and egress across the property. This eight-foot and those little slivers of trails don't make sense. At a certain point, they need to say no.

**COMMISSIONER HEITEL** stated on the last case, he expressed his amazement that substantial buildings can be built in these easements and then the problems come to us. In this case, they are being asked to abandon this easement solely for the purpose of allowing the property owner to expand further. He noted he has some trouble with this one.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

**LEON SPIRO**, 7814 E. Oberlin Way, presented information on structures that have built on GLO easements. He stated he has been ordered off of an GLO easement that he had used for years and threatened while using others in his area. He inquired if Mr. Deeley has ever held the title of Engineering Service Director while working with the City of Scottsdale. He also inquired why are GLO public utility easements removed from the plat survey. He asked a series of questions regarding the blockage of GLO easements. He inquired if the state and municipal law have precedence over Federal law. He noted Commissioner Nelsen made the Commission aware of the memorandum addressed to Congressman JD Heyworth from a Legislative Attorney in the American Law Division of the Congressional Research Service.

Mr. Spiro suggested the owner research this issue more closely regarding this encroachment. He also suggested they reread their title insurance policy and warranty deeds. He stated with the approval of this GLO roadway abandonment request the commission is sending a message to all GLO parcel owners that they can be assembled. He concluded he does not believe what they are doing here is not unsettled law. He referenced case law he felt they should look into.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

**APPROVED**

**BRAD CHALFIN**, property owner, shared information on the intent for the abandonment and what they have gone through. He stated as he understood the GLO easements were created because this was a vast wide open space and not knowing what the plan would be these easements were placed if there was a need for a roadway to go through they would be covered. Obviously, in this neighborhood that is not going to happen.

Mr. Chalfin remarked it is on record that there are numerous properties surrounding his property that have had their GLO easements abandoned. He further remarked their intent is to put an addition on the house. He noted he was advised the existing structure is within the west 33 feet GLO roadway easement and the only way to address this issue was to request an abandonment.

**COMMISSIONER NELSEN** stated one of the problems with GLO patent easements created on the small tract act is that there is no provision for eliminating them. It might not be fair. It might not be right. He further stated the county acknowledges that there has been two cases in this state that recognizes that are access rights to those easements and that is what the debate is all about. Until somebody does something to rectify that at the Federal level a lot of people feel that you just can't eliminate them. The County Supervisor has said that. He remarked this is conundrum in the City of Scottsdale because there are differing opinions. He further remarked he is a GLO patentee and has a GLO patent property and his attorney has told him that his neighbors have a right to access on it.

**COMMISSIONER HEITEL** stated just to clarify how many feet is the applicant's garage into the GLO easement. Mr. Chalfin stated five feet.

**COMMISSIONER HEITEL MOVED TO FORWARD CASE 4-AB-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL WITH THE ADDITIONAL STIPULATION:**

**THAT THE CITY OF SCOTTSDALE'S ABANDONMENT OF THEIR INTEREST IN THIS GLO EASEMENT IS ONLY THE EAST FIVE FEET OF THAT 33-FOOT GLO EASEMENT.**

**CHAIRMAN GULINO** stated Commissioner Heitel's motion is amend the stipulations in this case to be the abandonment of the east 5 feet of the 30-foot GLO on the west side of the lot and to abandon the north eight feet along Gold Dust and make that a trail easement. He inquired if they can do that because it changes the case. Ms. Boomsma replied they can reduce the amount.

**COMMISSIONER NELSEN** inquired how is that going to help the property owner. Commissioner Heitel stated he is trying to come up with a compromise to solve this problem.

**CHAIRMAN GULINO** stated looking at this abandonment case he does not see where it is disrupting any of the transportation patterns, street patterns or utilities. The eight-foot trail easement makes sense so he won't be supporting the motion because he believed it is a valid request.

**SECOND BY COMMISSIONER HESS.**

**THE MOTION FAILED BY A VOTE OF TWO (2) TO THREE (3) WITH CHAIRMAN GULINO, COMMISSIONER BARNETT, AND COMMISSIONER NELSEN DISSENTING.**

**COMMISSIONER NELSEN MOVED TO FORWARD CASE 4-AB-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR DENIAL. SECOND BY COMMISSIONER BARNETT.**

**THE MOTION FAILED BY A VOTE OF TWO (2) TO THREE (3) WITH CHAIRMAN GULINO, COMMISSIONER HEITEL, AND COMMISSIONER HESS DISSENTING.**

**COMMISSIONER BARNETT** inquired if they could forward this to the City Council without a recommendation from the Planning Commission. Chairman Gulino stated he felt it was important they pass it along one way or another.

**COMMISSIONER HEITEL MOVED TO FORWARD CASE 4-AB-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR DENIAL. SECOND BY COMMISSIONER HESS.**

**THE MOTION PASSED BY A VOTE OF FOUR (4) TO ONE (1) WITH CHAIRMAN GULINO DISSENTING.**

**MR. SPIRO** requested the opportunity to speak on case 5-AB-2003.

**CHAIRMAN GULINO** reminded Mr. Spiro that case 5-AB-2003 has been continued to the June 25, 2003 meeting but if he is unable to attend that meeting, they would allow him to speak this evening. Mr. Spiro stated he might not be able to return.

5-AB-2003 (Ayoub Residence) request by Jesse McDonald, applicant, Jerry and Claudia Ayoub, owner, to abandon a portion of Mountain View Road alignment located on the north side of Mountain View Road and west of 116th Street. **Continued to June 25, 2003.**

**MR. JONES** presented this case as per the project coordination packet. He reported the case has been continued to the June 25, 2003 Planning Commission meeting.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

**LEON SPIRO**, 7814 E. Oberlin Way, reviewed the reasons why he is against this abandonment. He inquired if they were sure if this is a GLO easement.

**MS. SUMNERS** stated it is not a GLO lot.

**MR. SPIRO** stated he is interested in the legal department's approval of this abandonment. He further stated there is no legal support because this is not a GLO.

There is a disclaimer for GLOs. He inquired if the correct terminology should be federal land patent reservation rather than GLO patent easement.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

**WRITTEN COMMUNICATION**

There was no written communication.

**ADJOURNMENT**

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 6:48 p.m.

Respectfully Submitted,

"For the Record " Court Reporters

**APPROVED**